the entering of a judgment affirming the order of the Board, and it is hereby made his lawful duty to perform, or cause to be performed, such surgical operation as may be specified in the order of the State Board of Eugenics. All such operations shall be performed with a due regard for the physical condition of the inmate and in a safe and humane manner.

Section 10. The criminals who shall come within the operation of this law shall be those who have been convicted three or more times of a felony in the courts of any state and sentenced to serve in the penitentiary therefor.

Moral degenerates and sexual perverts are those who are addicted to the practice of sodomy or the crime against nature, or to other gross, bestial and perverted sexual habits and practices prohibited by statute.

Section 11. The provisions of this Act shall apply to both male and female inmates of any of the institutions designated herein.

Section 12. The State shall be liable, under this Act, only for the actual traveling expenses of the members of the Board incurred in the performance of their duties and the actual and necessary expense incident to the investigations of said Board and an appeal therefrom.

Section 13. There is hereby appropriated from any money in the general fund not otherwise appropriated, the sum of Fifteen Hundred ($1,500.00) Dollars, or so much thereof as may be necessary, per annum, to carry into effect the provisions of this Act and to pay the expenses and expenditures authorized by or incurred under this Act.

PAROLE—PROBATION.

Conditional Liberation in Spain.—Conditional liberation of the prisoners has been established in Spain by law passed July 23, 1914. Liberation is accorded to those condemned for more than one year in prison after they have served out three-fourths of their sentence and when they have been found worthy of this favor by their good conduct. In each chief province there is a Commission of Conditional Liberation, as the French call it, charged with the administration of this law. After this commission has passed upon the matter, its recommendations are taken into consideration by a central commission of the state which makes a selection among those proposed for conditional liberation and recommends them to the king. The liberation is accorded by royal degree. This parole may be revoked if the condemned person does not show himself worthy of release and in that case he is reincarcerated in prison to serve out the remainder of his time. The local commissions are also required to have oversight over those released and are charged also with the protection and employment of those liberated. Those on parole must make each month a report to the president of the commission of the place where he resides, covering the work in which he is engaged and the way in which he is making his living. When a man's parole is revoked, the matter is reported through these same commissions to the National Commission and the degree revoking his conditional release is issued by the king, as was his parole originally. This system of parole is a very interesting modification of the American Parole System.—Revue penitentiaire et de Droit penal, Avril-Mai, 1915, pp. 381-2, translated by J. L. Gillin, Ph. D., University of Wisconsin.

A Probation System for the United States Courts.—The administration of justice has undergone signal changes during the past decade in all civilized

countries. The juvenile court, the domestic relations court, and other specialized courts, notably in Chicago, have been established. Probation laws have been enacted in every State of the Union, save two. Twenty years ago only one State, Massachusetts, had established legal probation for either children or adults. The probation system has brought the trained social investigator into the courts and has shown his work to be indispensable for the securing of either justice or reformation. It has also established a new and effective system for dealing with offenders capable of reform, whether young or old, without imprisonment.

While this great progress has been going on in the State courts, the United States District Courts have stood still. Recently they have taken a backward step. On December 4th, the United States Supreme Court handed down a decision in what is known as the Killits Case denying that judges in the United States District Courts had inherent power to suspend sentence in any criminal case. This decision was contrary to decisions in the highest courts in many states. New York, Massachusetts, New Jersey, Pennsylvania, Illinois, Ohio, have upheld this right so far as the State courts are concerned, apart from the statute right granted by probation legislation., The United States Courts have no probation law, except special statutes relating to the District of Columbia. The Supreme Court decision means that after every conviction in the United States Courts, no matter what the circumstances of the offense or the age of the offender may be, the Court must impose the penalty prescribed by law, which, in most cases, means imprisonment in a Federal prison. Until recently, most Federal judges, like State judges, have frequently, especially in cases of youthful and first offenders, suspended sentence and placed the offender under such supervision as they could command. In Massachusetts alone, it is stated that there are now upwards of two hundred men and boys convicted of Federal offenses, now out on good behavior, many of them under the supervision of State probation officers. The practice has been commonly used in New York and in other states. The Federal Courts are now without discretion to exercise clemency, except in the degree of punishment, and can in no case use the reforming and helpful services of a probation officer.

Few persons realize the magnitude of the criminal work of the United States District Courts and the fact that a great number of boys convicted of offenses under the postal laws, in connection with interstate commerce, under the White Slave Act, and other crimes coming within Federal jurisdiction each year, pass through these courts. During 1915, there were no less than 13,477 convictions in criminal cases. Of the 2,755 prisoners sent to Federal prisons during that year, 247 were under twenty years of age, and 1,432—more than half—were under thirty years of age.

Cases are constantly arising in the Federal Courts where the services of a probation officer are needed. Following is an illustration which occurred in New York State:

"A boy of seventeen years of age, of Polish parents, resident in Schenectady, was convicted of implication in a postoffice robbery. He admitted his guilt simply and honestly. As far as could be ascertained, it was his first offense. He was given a lecture and a suspended sentence on promise of reform. Within twenty-four hours of his release, he was arrested for breaking into a saloon.

As a result, he was sent to the Atlanta Penitentiary for three years. The facts in this case show that the boy was held for considerable time in jail and was then arraigned in court without either the investigation or helpful contact of a probation officer. He was released without supervision or advice, except that given by the court, and naturally relapsed into crime.

"In another case which occurred in New York State, two young men were convicted on plea of guilty for a violation of the White Slave Act. The circumstances of their crime showed that they had brought with them from another state a young woman of questionable character, all of them being somewhat under the influence of liquor at the time. The young men were found to have been of previous good character, this being their first offense. They were placed in the care of a state probation officer by a District Court Judge. This officer reports that they did exceptionally well while on probation, reporting regularly, taking the pledge and abstaining from liquor, working steadily, and giving every indication of permanent reform."

Fortunately, the present intolerable situation in the Federal Courts is temporary. Congress has the power to enact legislation granting the Federal Courts power to suspend sentence and establishing the use of probation. A bill for this purpose has been pending for the past three years and is now being actively pressed for passage. It is known as the Owen-Hayden Bill and provides, briefly, that judges in the United States District Courts may suspend sentence and place on probation, except for a few of the most serious felonies, wherever the circumstances of the offense and the public interest permit. The bill also provides that every Federal judge may appoint one salaried probation officer who shall receive his expenses and compensation for actual services at a rate of five dollars per day. The judges may appoint as many additional volunteer probation officers as they desire. The usual provisions of the best state probation laws relating to the fixing of the period of probation, the establishment of the conditions of probation, providing for regular reports to the probation officer, the collection of money for family support, fines and restitution on installments, and for visiting by the probation officer, are incorporated.

The bill was drafted by the National Probation Association and has its active support, as well as that of other organizations and individuals in the country interested in the work of the courts. At the last session, hearings on the bill were held before the Judiciary Committee of both branches of Congress. The Senate Judiciary Committee on December 20th reported the bill favorably and it is now upon the Senate calendar. The bill is also making progress in the House. The support of everyone interested in the progress of probation and the improvement and humanizing of our courts is urgently needed to secure the passage of the bill at the present short session.

CHARLES L. CHUTE, *Albany, N. Y.*
Secretary National Probation Association.

Life-Termers Can Not Get Parole in Louisiana.—In reply to an inquiry of Robert H. Marr, of the Board of Parole, in New Orleans, in reference to the powers and duties of that board, Judge A. V. Coco, attorney general rendered an opinion Jan. 13, covering the intent of the parole laws passed by the Legislature at its recent session. Judge Coco holds that paroles may only be granted